

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Shimshon Wexler,) C/A: 6:16-cv-01492-TMC-KFM
)
Plaintiff,)
)
vs.) **ORDER**
)
LVNV Funding LLC,)
)
Defendant.)

)

This is a civil action filed by a *pro se* litigant. The plaintiff paid the full costs associated with filing this action. See Receipt No. SCX600007181 (DSC). Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

TO THE CLERK OF COURT:

The Clerk of Court is directed to issue the summons(es), and to forward the issued summons(es) to Plaintiff for service of process. The plaintiff is responsible for service of process under Rule 4 of the Federal Rules of Civil Procedure. The Clerk of Court shall calculate the 90-day period for service of process under Rule 4(m) from the date on which the summons(es) are issued. *Robinson v. Clipse*, 602 F.3d 605, 608–09 (4th Cir. 2010) (tolling during initial review).

The Clerk of Court shall not enter any change of address submitted by the plaintiff that directs that mail be sent to a person other than the plaintiff unless that person is an attorney admitted to practice before this Court who has entered a formal appearance.

TO THE DEFENDANT:

The defendant is directed to file an answer to the complaint or otherwise plead.

TO THE PLAINTIFF:

The plaintiff is responsible for service of process under Rule 4 of the Federal Rules of Civil Procedure. The plaintiff's attention is directed to Rule 4(m) of the Federal Rules of Civil Procedure, which provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the

plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”¹

The time for service in this case does not run during the initial review of this case; therefore, the plaintiff has 90 days from the date on which the summons(es) are issued to serve the defendant in compliance with Rule 4. **Under Rule 4(m), unless a defendant is served within 90 days after the summonses are issued as directed by this order, that particular unserved defendant may be dismissed without prejudice from this case.**

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, any documents filed subsequent to the initial pleading must be served on parties. Unless otherwise ordered, service of subsequently filed documents on a defendant represented by an attorney is made on the attorney. Service on attorneys who have made an appearance in this Court is effected by the Court’s Electronic Case Filing system through a computer generated notice of electronic filing. However, prior to the defendant’s attorney making an appearance in this Court, the plaintiff must serve the defendant with any documents the plaintiff files subsequent to the initial pleading and file a certificate of service that states who was served, what document was served, and how the document was served.

The plaintiff must place the civil action number listed above on any document provided to the Court pursuant to this order. **Any future filings in this case must be sent to the address below: (300 East Washington Street, Room 239, Greenville, South Carolina 29601).** All documents requiring the plaintiff’s signature shall be signed with the plaintiff’s full legal name written in the plaintiff’s own handwriting. *Pro se* litigants shall *not* use the “s/typed name” format used in the Electronic Case Filing System. In all future filings with this Court, the plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. The plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

The plaintiff is a *pro se* litigant. The plaintiff’s attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing** (**300 East Washington Street, Room 239, Greenville, South Carolina 29601**) if your address changes for any reason, so as to assure that orders or other

¹ Commencement of a state law claim is determined by Rule 3 of the South Carolina Rules of Civil Procedure, rather than Rule 4 of the Federal Rules of Civil Procedure, and could impact the time allowed for service of process within the applicable statute of limitations for the state law claim.

matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this Court, **your case may be dismissed for violating this order.** Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

IT IS SO ORDERED.

s/ Kevin F. McDonald
United States Magistrate Judge

May 27, 2016
Greenville, South Carolina

The plaintiff's attention is directed to the important warning on the next page.

IMPORTANT INFORMATIONPLEASE READ CAREFULLY**WARNING TO *PRO SE* PARTY OR NONPARTY FILERS**

ALL DOCUMENTS THAT YOU FILE WITH THE COURT WILL BE AVAILABLE TO THE PUBLIC ON THE INTERNET THROUGH PACER (PUBLIC ACCESS TO COURT ELECTRONIC RECORDS) AND THE COURT'S ELECTRONIC CASE FILING SYSTEM. **CERTAIN PERSONAL IDENTIFYING INFORMATION SHOULD NOT BE INCLUDED IN OR SHOULD BE REMOVED FROM ALL DOCUMENTS *BEFORE* YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Rule 5.2 of the Federal Rules of Civil Procedure provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to **ALL** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "**blacked out**" or **redacted** prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information **waives** the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

(a) Social Security and Taxpayer identification numbers. If an individual's social security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.

(b) Names of Minor Children. If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.

(c) Dates of Birth. If an individual's date of birth must be included in a document, the filer may include only the year of birth.

(d) Financial Account Numbers. If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information – such as driver's license numbers and alien registration numbers – may be sought under Rule 5.2(d)(filings made under seal) and (e) (protective orders).